

AMENDED IN SENATE MAY 4, 2005
AMENDED IN SENATE MARCH 31, 2005

SENATE BILL

No. 460

Introduced by Senator Margett

February 18, 2005

An act to amend Sections 4017.1 and 5071 of the Penal Code, ~~and Section 219.5 of the Welfare and Institutions Code,~~ relating to personal information.

LEGISLATIVE COUNSEL'S DIGEST

SB 460, as amended, Margett. Offender access to personal information.

Existing law prohibits offenders who are confined in county facilities, or the Department of Corrections for specified offenses, from performing work that would give them access to the personal information of private persons, as specified.

This bill would preclude any offender confined in a county facility, or the Department of Corrections from gaining access to personal information, as specified.

~~Existing law prohibits a ward of the juvenile court or of the Department of the Youth Authority who has been adjudicated for specified offenses, from performing any function that provides access to the personal information of private persons, as specified.~~

~~This bill would preclude any ward of the juvenile court or of the Department of the Youth Authority from gaining access to personal information, as specified.~~

By directing county agencies to limit who may participate in county and community work programs, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4017.1 of the Penal Code is amended to
2 read:
3 4017.1. (a) Except as provided in paragraph (2), any person
4 confined in a county jail, industrial farm, road camp, or city jail
5 who is required or permitted by an order of the board of
6 supervisors or city council to perform work, and any person
7 while performing community service in lieu of a fine or custody,
8 or who is assigned to work furlough, may not be employed to
9 perform any function that provides access to personal
10 information of private individuals, including, but not limited to:
11 addresses; telephone numbers; health insurance, taxpayer, school,
12 or employee identification numbers; mothers' maiden names;
13 demand deposit account, debit card, credit card, savings, or
14 checking account numbers, PINs, or passwords; social security
15 numbers; places of employment; dates of birth; state or
16 government issued driver's license or identification numbers;
17 alien registration numbers; government passport numbers; unique
18 biometric data, such as fingerprints, facial scan identifiers, voice
19 prints, retina or iris images, or other similar identifiers; unique
20 electronic identification numbers; address or routing codes; and
21 telecommunication identifying information or access devices.
22 (2) Persons assigned to work furlough programs may be
23 permitted to work in situations that allow them to retain or look
24 at a driver's license or credit card for no longer than the period of
25 time needed to complete an immediate transaction. However, no
26 person assigned to work furlough shall be placed in any position

1 that may require the deposit of a credit card or driver's license as
2 insurance or surety.

3 (b) Any person confined in a county jail, industrial farm, road
4 camp, or city jail who has access to any personal information
5 shall disclose that he or she is confined before taking any
6 personal information from anyone.

7
8 (c) This section shall not apply to inmates in employment
9 programs or public service facilities where incidental contact
10 with personal information may occur.

11 SEC. 2. Section 5071 of the Penal Code is amended to read:

12 5071. (a) The Director of Corrections shall not assign any
13 prison inmate to employment that provides that inmate with
14 access to personal information of private individuals, including,
15 but not limited to: addresses; telephone numbers; health
16 insurance, taxpayer, school, or employee identification numbers;
17 mothers' maiden names; demand deposit account, debit card,
18 credit card, savings, or checking account numbers, PINs, or
19 passwords; social security numbers; places of employment; dates
20 of birth; state or government issued driver's license or
21 identification numbers; alien registration numbers; government
22 passport numbers; unique biometric data, such as fingerprints,
23 facial scan identifiers, voice prints, retina or iris images, or other
24 similar identifiers; unique electronic identification numbers;
25 address or routing codes; and telecommunication identifying
26 information or access devices.

27 (b) Any person who is a prison inmate, and who has access to
28 any personal information, shall disclose that he or she is a prison
29 inmate before taking any personal information from anyone.

30 (c) This section shall not apply to inmates in employment
31 programs or public service facilities where incidental contact
32 with personal information may occur.

33 ~~SEC. 3. Section 219.5 of the Welfare and Institutions Code is~~
34 ~~amended to read:~~

35 ~~219.5. (a) No ward of the juvenile court or Department of the~~
36 ~~Youth Authority shall perform any function that provides access~~
37 ~~to personal information of private individuals, including, but not~~
38 ~~limited to: addresses; telephone numbers; health insurance;~~
39 ~~taxpayer, school, or employee identification numbers; mothers'~~
40 ~~maiden names; demand deposit account, debit card, credit card,~~

1 ~~savings or checking account numbers, PINs, or passwords; social~~
2 ~~security numbers; places of employment; dates of birth; state or~~
3 ~~government issued driver's license or identification numbers;~~
4 ~~alien registration numbers; government passport numbers; unique~~
5 ~~biometric data, such as fingerprints, facial scan identifiers, voice~~
6 ~~prints, retina or iris images, or other similar identifiers; unique~~
7 ~~electronic identification numbers; address or routing codes; and~~
8 ~~telecommunication identifying information or access devices.~~

9 ~~(b) If asked, any person who is a ward of the juvenile court or~~
10 ~~the Department of the Youth Authority, and who has access to~~
11 ~~any personal information, shall disclose that he or she is a ward~~
12 ~~of the juvenile court or the Department of the Youth Authority~~
13 ~~before taking any personal information from anyone.~~

14 ~~(c) Any program involving the taking of personal information~~
15 ~~over the telephone by a person who is a ward of the juvenile~~
16 ~~court or the Department of the Youth Authority, shall be subject~~
17 ~~to random monitoring of those telephone calls.~~

18 ~~(d) Any program involving the taking of personal information~~
19 ~~by a person who is a ward of the juvenile court or the Department~~
20 ~~of the Youth Authority shall provide supervision at all times of~~
21 ~~the ward's activities.~~

22 ~~(e) This section shall not apply to wards in employment~~
23 ~~programs or public service facilities where incidental contact~~
24 ~~with personal information may occur.~~

25 ~~SEC. 4.~~

26 *SEC. 3.* If the Commission on State Mandates determines that
27 this act contains costs mandated by the state, reimbursement to
28 local agencies and school districts for those costs shall be made
29 pursuant to Part 7 (commencing with Section 17500) of Division
30 4 of Title 2 of the Government Code.